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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/648,159	08/25/2003	Regis Galler	0179.0041	3549
37247	7590	06/29/2005	EXAMINER	
DAVID J. OLDENKAMP, ESQ. SHAPIRO & DUPONT LLP 233 WILSHIRE BOULEVARD, SUITE 700 SANTA MONICA, CA 90401			DIXON, MERRICK L	
			ART UNIT	PAPER NUMBER
			1774	

DATE MAILED: 06/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/648,159

Applicant(s)

GALLET ET AL.

Examiner

Merrick Dixon

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1--24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


MERRICK DIXON
PRIMARY EXAMINER

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 11-10-03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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1. Claims 6-20 and 22-24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicants are respectfully reminded to correct the claims dependencies. Respective claims depend from any single afore recited claims.. the claims cannot have multi-dependencies. Applicants are requested to provide related corrections.

2. Claim 20 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 20, line 3, the phrase, "sufficient time " is vague and indefinite. Applicants are requested to provide related corrections.

3.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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5. Claims 1,2,3,7,9,10,12,14-16 and 18 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Toshiharu et al (US 3666615).

The reference to Toshiharu et al teaches the claimed composite product including a fibrous reinforcing layers(1,3) with two sides having a resin layer(2) and hardening agent layer(4) bonded to each respective sides thereof. The reference further teaches the layers having different flow states -col 3, lines 10-25; col 4, lines 62-73. concerning claim 16, the reference teaches epoxy resin in col 2, lines 60-61. concerning claim 18, the reference teaches acid anhydride hardening agent in col 2, line 51-62. concerning claim 7, the reference also teaches adhesive film in col 4, lines 45-46. concerning claim 10, the reference teaches adhesive layer in col 4, line 45-47. concerning claims 14 and 15, the reference teaches woven fabric layer material in col 3, lines 52-55. concerning claims 2 and 3, the reference teaches fibrous layer material for its hardening agent layer and its resin layer in col 2, lines 27-37.

In The Alternative:

It is submitted that while the cited reference fails to expressly teach the respective resin and hardening agent layers immediately adjacent the barrier layer. However, it would have been obvious to one of ordinary skill in the art at the time the invention is made to arrange the layers as claimed for no where in applicants disclosure is such arrangement contended as critical. Such rearrangement of the layers , it is further submitted, would have been obvious , in the absence of unexpected results, to one having ordinary skill in

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the art at the time the invention is made because such rearrangement is generally recognized as involving only routine skill in the art. In re Japikse, 86 USPQ 70.

6.

Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Toshiharu et al(US 3666615) in view of Kuhn(US 3935355). The primary reference to Toshiharu et al teaches the basic claimed composite product including a fibrous reinforcing layers(1,3) with two sides having a resin layer(2) and hardening agent layer(4) bonded to each respective sides thereof. The reference further teaches the layers having different flow state -col 3, lines 10-25; col 4, lines 62-73. The primary reference's teachings are discussed above, inter alla. The secondary reference to Kuhn teaches that it is known in the instant art to facilitate resin and hardener layer immediately adjacent to a separator layer(fig 3)- col 2, lines 55-68. It would have been obvious to one of ordinary skill in the art at the time the invention is made to combine the teachings of the secondary reference to Kuhn and arrange the respective layers of the primary reference, as claimed, and in the absence of unexpected results motivated by the desire to produce laminated products of desired properties. . concerning claim 16, the primary reference teaches epoxy resin in col 2, lines 60-61. concerning claim 10, the primary reference teaches adhesive layer in col 4, line 45-47. concerning claim 18, the primary reference teaches acid anhydride hardening agent in col 2, line 51-62. concerning claim 7, the primary reference also teaches adhesive film in col 4, lines 45-46. concerning claims 14 and 15, the primary reference teaches woven fabric layer material in col 3, lines 52-55. See Kuhn, col 3, line 24, also. concerning claims 2 and 3, the reference

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teaches fibrous layer material for its hardening agent layer and its resin layer in col 2, lines 27-37. concerning claims 4, 5 and 19, the secondary reference teaches similar placements of adjacent resin and hardening agent layers from the barrier layer- see above. Concerning claims 13 and 17, the secondary reference teaches stretched glass fibers in col 2, lines 49-64; col 3, lines 55-64. concerning claim 20, the primary reference cures the laminate in col 2, lines 59-69; examples 2 and 3. concerning claims 8 and 11, the primary reference teaches that it is known to have the resin and hardening material be a mixture, i.e., be paste-like in col 2, lines 43-62

7. Claims 21-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Toshiharu et al (US 3666615).

The reference to Toshihare et al teaches the claimed process steps of applying two respective layers to a middle layer- col 3, lines 10-25; col 4, lines 62-73. It is noted to be afforded any patentable weight, the recited material used during the claimed process must affect the process in a manipulative way and not amount to the useage of same as is the instant case. Ex parte Pfeiffer, 1962 C.D. 408(1961). Accordingly, such material were not given patentable weight during the instant process examination. However, the claimed material's characteristics would be inherent , for the reference teaches identical material as discussed above. Concerning claims 22 and 23, the reference cures it product- col 4, lines 6-16 and teaches stacking the layers as claimed- col 3, lines 66-73.

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8. Claim 24 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Snyder et al(US 3674021) is cited of interest for its teachings as set forth.

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Applicants who wish to send a facsimile (draft copies) for the examiner's immediate review can do so by using the Examiner's personal fax number at 571-273-1520. The faxing of all papers must conform with the notice published in the Official Gazette, 1096 O.G. 30 (November 15, 1989). **NOTE: All facsimiles sent to the examiner's personal fax number should be in draft-forms and will be treated as informal.**

Same facsimiles will not be entered in the related applications unless otherwise agreed and noted by the examiner.

The fax number for all other fascimile is 703-872-9306.

Information about **the status of an application** may be obtained from the Patent Information Retrieval system (**Private PAIR**).

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Status inquires for **published applications** may be retrieved from either **Private PAIR** or **Public PAIR**. Questions about the PAIR system should be directed to the Electronic Business Center at **866-217-9197**.

Any questions concerning the instant communication should be directed to Examiner Dixon, at 571-272-1520, Mondays to Thursdays, between 12 noon and 8 PM, eastern time . The examiner's supervisor, Mrs. Rena Dye, can be reached at 571-272-3186.

A handwritten signature in black ink, appearing to read 'Merrick Dixon', with a stylized, flowing script.

Merrick Dixon

Primary Examiner

Group 1700